

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

DARNELL WATKINS,

Defendant.

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CRIMINAL NO. 06-00147-CG

ORDER

This matter is before the court on defendant's motion for reduction of sentence pursuant to the provisions of 18 USC 3582(c)(2). (Doc. 42). Defendant claims that his sentence is eligible for reduction because of the retroactive application of the amended crack cocaine guideline. While it is true that this defendant was convicted of a crack cocaine offense, his sentencing guideline range was driven by the statutory mandatory statutory minimum of 240 months, as opposed to the calculation based solely on the amount of crack cocaine involved.¹ Thus, even though the crack guidelines have been lowered, the new calculation based on the amount of crack cocaine involved does not affect defendant's guideline range, which is governed by the mandatory statutory minimum of 240 months.

Accordingly, the motion for reduction of sentence pursuant to 18 USC 3582(c)(2) is **DENIED.**

DONE and ORDERED this 6th day of March, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE

¹ See paragraphs 82 and 83 of the Presentence Investigation Report (Doc. 32).